



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

E. 6
8/19/98

AUG 19 1998

155755

REPLY TO THE ATTENTION OF

CELOTEX SITE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ronald Cruse, President
T.L.C. Trust
217 Bayshore Drive
Hendersonville, TN 37075

RE: Celotex Site
Wilmington, Illinois

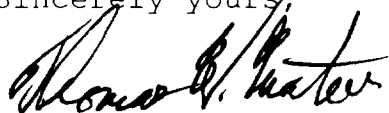
Dear Mr. Cruse:

Enclosed please find a Unilateral Administrative Order issued to T.L.C. Trust by the U.S. Environmental Protection Agency ("U.S. EPA") under Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by the Superfund Amendments and Reauthorization Act of 1986 ("CERCLA"), 42 U.S.C. Section 9601, et seq.

Please note that the Order allows an opportunity for a conference if requested within 3 business days after issuance of the Order, or if no conference is requested, an opportunity to submit comments within 7 business days of issuance of the Order.

If you have any questions regarding the Order, feel free to contact Eva Hahn, Assistant Regional Counsel, at (312) 886-6833 or Fred Bartman, On-Scene Coordinator, at (312) 886-0776.

Sincerely yours,

for 
William E. Muno, Director
Superfund Division

Enclosure

cc: Gary King, Deputy Manager
Division of Land Pollution Control
Illinois Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 5

IN THE MATTER OF:) Docket No. V-W- C-490
)
) ADMINISTRATIVE ORDER
CELOTEX SITE) PURSUANT TO SECTION 106(a)
) OF THE COMPREHENSIVE
) ENVIRONMENTAL RESPONSE,
Respondent:) COMPENSATION, AND
) LIABILITY ACT OF 1980,
T.L.C. Trust) AS AMENDED, 42 U.S.C.
) SECTION 9606(a)

I. JURISDICTION AND GENERAL PROVISIONS

This Order is issued pursuant to the authority vested in the President of the United States by Section 106(a) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. § 9606(a), and delegated to the Administrator of the United States Environmental Protection Agency ("U.S. EPA") by Executive Order No. 12580, January 23, 1987, 52 Fed. Reg. 2923, and further delegated to the Regional Administrators by U.S. EPA Delegation Nos. 14-14-A and 14-14-B, and to the Director, Superfund Division, Region 5, by Regional Delegation Nos. 14-14-A and 14-14-B.

This Order pertains to property located on the Kankakee River at the northwest corner of the intersection of Kankakee Street and Chicago Street in Wilmington, Illinois (the "Celotex Site" or the "Site"). This Order requires the Respondent to conduct removal activities described herein to abate an imminent and substantial endangerment to the public health, welfare or the environment that may be presented by the actual or threatened release of hazardous substances at or from the Site.

U.S. EPA has notified the State of Illinois of this action pursuant to Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

II. PARTIES BOUND

This Order applies to and is binding upon Respondent and Respondent's, receivers, trustees, successors and assigns. Any change in ownership or corporate status of Respondent including,

but not limited to, any transfer of assets or real or personal property shall not alter such Respondent's responsibilities under this Order.

Respondent shall ensure that its contractors, subcontractors and representatives comply with this Order. Respondent shall be responsible for any noncompliance.

III. FINDINGS OF FACT

Based on available information, including the Administrative Record in this matter, U.S. EPA hereby finds that:

1. The Celotex Site is located at the northwest corner of Kankakee Street and Chicago Street in Wilmington, Illinois. The geographic coordinates are latitude 41°18'76.8" N and longitude 88°08'95.5" W. The Site is bordered on the north by Forked Creek, on the west by the Kankakee River, on the south by Chicago Street and to the east by Kankakee Street and industrial facilities. The Site is partially surrounded by a chain-linked fence but public access is possible through the fence and many holes in the exterior of the building. In addition, the facility gate is not secured.

2. The Celotex facility was constructed in the late 1950's to be used for the production of roofing materials and as a paper mill. Celotex Inc. ceased operations in the early 1980's. Celotex, Inc. declared bankruptcy in 1991.

3. Residents of Wilmington made numerous complaints concerning the condition of the Site to the Illinois Environmental Protection Agency ("IEPA"). IEPA initiated a Site inspection on November 3, 1994 to determine whether hazardous wastes were present at the facility. The inspection found that approximately 30 55-gallon drums were present, some of which were leaking unknown materials with a "solvent odor".

4. Ron Cruse, President of the T.L.C. Trust, owner of the property, was cited by IEPA in 1994 for numerous violations regarding dumping at the site, and storage of suspected hazardous waste materials. However, no apparent actions resulted from these citations.

5. The T.L.C. Trust was the owner of the Celotex Facility Site from August 8, 1989 through June 5, 1998, when Will County recorded a deed to the title of the property due to the TLC Trust delinquent status in its tax payments since 1988.

6. On September 8, 1997, IEPA wrote to U.S. EPA to request that

an On-Scene Coordinator ("OSC") be assigned to the Celotex Site in order to assess the site for potential removal activities. On September 26, 1997, the U.S. EPA went to the Site to perform a Site Assessment. The Site was found to consist of five steel buildings (designated 1 through 5) located on six acres. Also observed on-site were three concrete, above-ground, wastewater clarifiers. The buildings were in poor condition with broken windows and deteriorating roofs, and contained miscellaneous equipment and debris. Building 1 contained approximately 30 55-gallon drums. Buildings 2, 3 and 4 contained miscellaneous debris, including insulation which was suspected of containing asbestos. Garbage bags containing asbestos insulation were observed in the northwest corner of building 2. Asbestos was found in two samples taken from building 2. Analysis of samples taken from the drums during the Site Assessment showed that six drums exceeded a pH of 12.5. This indicated that the drums contained substances that were hazardous because they exhibited the characteristic of corrosivity. Three of the drums contained materials with a flash point of less than 140 degrees. This indicated the characteristic of ignitability.

5. On December 11, 1997, the U.S. EPA OSC and START contractor returned to the Site to take additional samples of the asphalt and asbestos in the basement of building 1. On that date, black asphalt like substances were observed in the basement of building 1. Asbestos was found in one sample taken from building 1.

IV. FACTUAL DETERMINATIONS AND CONCLUSIONS OF LAW

Based on the Findings of Fact set forth above, and the Administrative Record supporting these removal actions, U.S. EPA has determined that:

1. The Celotex Site is a "facility" as defined by Section 101(9) of CERCLA, 42 U.S.C. § 9601(9).

2. Ignitable waste, corrosive waste, and asbestos, are "hazardous substances" as defined by Section 101(14) of CERCLA, 42 U.S.C. § 9601(14).

3. That Respondent is a "person" as defined by Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

4. During the time period in which TLC Trust owned the Celotex site, the residents of Wilmington, Illinois made numerous complaints to the IEPA concerning the conditions of the Site. In 1994 the trustee was cited for numerous violations regarding dumping at the Site by the IEPA. Thus, Respondent T.L.C. Trust

is either a person who at the time of disposal of any hazardous substances owned or operated the Celotex Site, or who arranged for disposal or transport for disposal of hazardous substances at the Celotex Site. Therefore, Respondent is a liable person under Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).

5. The conditions described in the Findings of Fact above constitute an actual or threatened "release" into the "environment" as defined by Sections 101(8) and (22) of CERCLA, 42 U.S.C. §§ 9601(8) and (22).

6. The conditions present at the Site constitute a threat to public health, welfare, or the environment based upon the factors set forth in Section 300.415(b)(2) of the National Oil and Hazardous Substances Pollution Contingency Plan, as amended ("NCP"), 40 C.F.R. Part 300. These factors include, but are not limited to, the following:

a) **Actual or potential exposure to nearby human populations, animals, or the food chain from hazardous substances, pollutants or contaminants.** Analytical results from the drum samples collected on August 26, 1997, indicated the presence of hazardous substances at the Celotex site. Both ignitable and corrosive liquids were found in drum samples. If ingested, caustic liquids can cause internal lesions and edema. Death can result due to potential complications such as asphyxia, shock, hemorrhage, or infection. Dermal exposure to less concentrated caustic solutions can cause irritation and dermatitis. Asbestos was also found in open bags and represents a carcinogenic threat to exposed populations. Because the Celotex facility is unsecured and located within the City of Wilmington, nearby residents can be exposed to hazardous materials present on Site.

b) **Hazardous substances or pollutants or contaminants in drums, barrels, tanks, or other bulk storage containers, that may pose a threat of release;** Approximately 20 55-gallon drums were observed during the Site reconnaissance. The drums contain liquids that exhibit both corrosive and ignitable characteristics. Some drums appeared to have leaked contents.

c) **Weather conditions that may cause hazardous substances or pollutants or contaminants to migrate or be released;** The on-site contaminants are in buildings that have deteriorated roofs which, depending on the weather conditions, may allow migration of the contaminants. Exposure to wind, rain, snow, or other weather conditions can result in additional

degradation of the 55-gallon drums, which may cause further migration of contaminants if hazardous substances leak.

d) **Threat of fire or explosion;** There are ignitable materials in the drums. Materials in drums had flash points of 134 °F, 81 °F, and 67 °F, respectively, and are, therefore, ignitable substances. Residents who reside near the Site may be exposed to the threat of fire or explosion from the presence of such substances on Site.

7. The actual or threatened release of hazardous substances from the Site may present an imminent and substantial endangerment to the public health, welfare, or the environment within the meaning of Section 106(a) of CERCLA, 42 U.S.C. § 9606(a).

8. The removal actions required by this Order are necessary to protect the public health, welfare, or the environment, and are not inconsistent with the NCP and CERCLA.

V. ORDER

Based upon the foregoing Findings of Fact, Factual Determinations, Conclusions of Law, and the Administrative Record for this Site, U.S. EPA hereby orders that Respondent perform the following actions:

1. Notice of Intent to Comply

Respondent shall notify U.S. EPA in writing within 3 business days after the effective date of this Order of Respondent's irrevocable intent to comply with this Order. Failure of Respondent to provide such notification within this time period shall be a violation of this Order.

2. Designation of Contractor, Project Coordinator, and On-Scene Coordinator

Respondent shall perform the removal actions itself or retain a contractor to implement the removal actions. Respondent shall notify U.S. EPA of Respondent's qualifications or the name and qualifications of such contractor, whichever is applicable, within 5 business days of the effective date of this Order. Respondent shall also notify U.S. EPA of the name and qualifications of any other contractors or subcontractors retained to perform work under this Order at least 5 business days prior to commencement of such work. U.S. EPA retains the right to disapprove of the Respondent or any of the contractors

and/or subcontractors retained by the Respondent. If U.S. EPA disapproves a selected contractor, Respondent shall retain a different contractor within 2 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that contractor's name and qualifications within 3 business days of U.S. EPA's disapproval.

Within 5 business days after the effective date of this Order, the Respondent shall designate a Project Coordinator who shall be responsible for administration of all the Respondent's actions required by the Order and submit the designated coordinator's name, address, telephone number, and qualifications to U.S. EPA. To the greatest extent possible, the Project Coordinator shall be present on-site or readily available during site work. U.S. EPA retains the right to disapprove of any Project Coordinator named by the Respondent. If U.S. EPA disapproves a selected Project Coordinator, Respondent shall retain a different Project Coordinator within 3 business days following U.S. EPA's disapproval and shall notify U.S. EPA of that person's name and qualifications within 4 business days of U.S. EPA's disapproval. Receipt by Respondent's Project Coordinator of any notice or communication from U.S. EPA relating to this Order shall constitute receipt by Respondent.

The U.S. EPA has designated Fred Bartman of the Emergency Response Branch, Region 5, as its On-Scene Coordinator ("OSC"). Respondent shall direct all submissions required by this Order to the OSC at 77 West Jackson Boulevard, SE-5J, Chicago, Illinois, 60604-3590, by certified or express mail. Respondent shall also send a copy of all submissions to Eva Hahn, Assistant Regional Counsel, 77 West Jackson Boulevard, C-14J, Chicago, Illinois, 60604-3590. All Respondents are encouraged to make their submissions to U.S. EPA on recycled paper (which includes significant postconsumer waste paper content where possible) and using two-sided copies.

3. Work to Be Performed

Respondent shall perform, at a minimum, the following response activities:

- a. Prepare and implement a site health and safety plan;
- b. Secure the Site to the extent practicable for the duration of the removal activities;
- c. Segregate, stage, sample and categorize the contents of all waste piles, drums and any other containers or spilled

product;

- d. Decontaminate, recycle and/or dispose of all drums and other containers;
- e. Remove and dispose of all friable asbestos containing material;
- f. Transport and dispose of all waste materials in full compliance with U.S. EPA's off-site disposal Rule at 40 C.F.R. Section 300.440, 58 Fed. Reg. 49215 (1993); and
- g. Perform all work as described above in accordance with state and federal regulations.

3.1 Work Plan and Implementation

Within 10 business days after the effective date of this Order, the Respondent shall submit to U.S. EPA for approval a draft Work Plan for performing the removal activities set forth above. The draft Work Plan shall provide a description of, and an expeditious schedule for, the activities required by this Order.

U.S. EPA may approve, disapprove, require revisions to, or modify the draft Work Plan. If U.S. EPA requires revisions, Respondent shall submit a revised draft Work Plan within 7 business days of notification. Respondent shall implement the Work Plan as finally approved in writing by U.S. EPA in accordance with the schedule approved by U.S. EPA. Once approved, or approved with modifications, the Work Plan, the schedule, and any subsequent modifications shall be fully enforceable under this Order. Respondent shall notify U.S. EPA at least 48 hours prior to performing any on-site work pursuant to the U.S. EPA approved Work Plan.

Respondent shall not commence or undertake any removal actions at the Site without prior U.S. EPA approval.

3.2 Health and Safety Plan

Within 10 business days after the effective date of this Order, the Respondent shall submit a plan for U.S. EPA review and comment that ensures the protection of the public health and safety during performance of on-site work under this Order. This plan shall comply with applicable Occupational Safety and Health Administration ("OSHA") regulations found at 29 C.F.R. Part 1910. If U.S. EPA determines it is appropriate, the plan shall also

include contingency planning. Respondent shall incorporate all changes to the plan recommended by U.S. EPA, and implement the plan during the pendency of the removal action.

3.3 Quality Assurance and Sampling

All sampling and analyses performed pursuant to this Order shall conform to U.S. EPA direction, approval, and guidance regarding sampling, quality assurance/quality control ("QA/QC"), data validation, and chain of custody procedures. Respondent shall ensure that the laboratory used to perform the analyses participates in a QA/QC program that complies with U.S. EPA guidance. Upon request by U.S. EPA, Respondent shall have such a laboratory analyze samples submitted by U.S. EPA for quality assurance monitoring. Respondent shall provide to U.S. EPA the quality assurance/quality control procedures followed by all sampling teams and laboratories performing data collection and/or analysis. Respondent shall also ensure provision of analytical tracking information consistent with OSWER Directive No. 9240.0-2B, "Extending the Tracking of Analytical Services to PRP-Lead Superfund Sites."

Upon request by U.S. EPA, Respondent shall allow U.S. EPA or its authorized representatives to take split and/or duplicate samples of any samples collected by Respondent or its contractors or agents while performing work under this Order. Respondent shall notify U.S. EPA not less than 3 business days in advance of any sample collection activity. U.S. EPA shall have the right to take any additional samples that it deems necessary.

3.4 Reporting

Respondent shall submit a monthly written progress report to U.S. EPA concerning activities undertaken pursuant to this Order, beginning 30 calendar days after the date of U.S. EPA's approval of the Work Plan, until termination of this Order, unless otherwise directed by the OSC. These reports shall describe all significant developments during the preceding period, including the work performed and any problems encountered, analytical data received during the reporting period, and developments anticipated during the next reporting period, including a schedule of work to be performed, anticipated problems, and planned resolutions of past or anticipated problems.

Any Respondent that owns any portion of the Site, and any successor in title shall, at least 30 days prior to the conveyance of any interest in real property at the Site, give

written notice of this Order to the transferee and written notice of the proposed conveyance to U.S. EPA and the State. The notice to U.S. EPA and the State shall include the name and address of the transferee. The party conveying such an interest shall require that the transferee will provide access as described in Section V.4 (Access to Property and Information).

3.5 Final Report

Within 60 calendar days after completion of all removal actions required under this Order, the Respondent shall submit for U.S. EPA review a final report summarizing the actions taken to comply with this Order. The final report shall conform to the requirements set forth in Section 300.165 of the NCP. The final report shall also include a good faith estimate of total costs incurred in complying with the Order, a listing of quantities and types of materials removed, a discussion of removal and disposal options considered for those materials, a listing of the ultimate destinations of those materials, a presentation of the analytical results of all sampling and analyses performed, and accompanying appendices containing all relevant documentation generated during the removal action (e.g., manifests, invoices, bills, contracts, and permits).

The final report shall also include the following certification signed by a person who supervised or directed the preparation of that report:

Under penalty of law, I certify that, to the best of my knowledge, after appropriate inquiries of all relevant persons involved in the preparation of this report, the information submitted is true, accurate, and complete.

4. Access to Property and Information

Respondent shall provide or obtain access as necessary to the Site and all appropriate off-site areas, and shall provide access to all records and documentation related to the conditions at the Site and the activities conducted pursuant to this Order. Such access shall be provided to U.S. EPA employees, contractors, agents, consultants, designees, representatives, and State of Illinois representatives. These individuals shall be permitted to move freely at the Site and appropriate off-site areas in order to conduct activities which U.S. EPA determines to be necessary. Respondent shall submit to U.S. EPA, upon request, the results of all sampling or tests and all other data generated

by Respondent or its contractors, or on the Respondent's behalf during implementation of this Order.

Where work under this Order is to be performed in areas owned by or in possession of someone other than Respondent, Respondent shall obtain all necessary access agreements within 14 calendar days after the effective date of this Order, or as otherwise specified in writing by the OSC. Respondent shall immediately notify U.S. EPA if, after using its best efforts, it is unable to obtain such agreements. Respondent shall describe in writing its efforts to obtain access. U.S. EPA may then assist Respondent in gaining access, to the extent necessary to effectuate the response activities described herein, using such means as U.S. EPA deems appropriate.

5. Record Retention, Documentation, Availability of Information

Respondent shall preserve all documents and information, in its possession or the possession of its contractors, subcontractors or representatives, relating to work performed under this Order, or relating to the hazardous substances found on or released from the Site, for six years following completion of the removal actions required by this Order. At the end of this six year period and at least 60 days before any document or information is destroyed, Respondent shall notify U.S. EPA that such documents and information are available to U.S. EPA for inspection, and upon request, shall provide the originals or copies of such documents and information to U.S. EPA. In addition, Respondent shall provide documents and information retained under this Section at any time before expiration of the six year period at the written request of U.S. EPA.

6. Off-Site Shipments

All hazardous substances, pollutants or contaminants removed off-site pursuant to this Order for treatment, storage or disposal shall be treated, stored, or disposed of at a facility in compliance, as determined by U.S. EPA, with the U.S. EPA Off-Site Rule, at 40 C.F.R. § 300.440, 58 Fed. Reg. 49215 (Sept. 22, 1993).

7. Compliance With Other Laws

All actions required pursuant to this Order shall be performed in accordance with all applicable local, state, and federal laws and regulations except as provided in CERCLA Section 121(e) and 40 C.F.R. § 300.415(j). In accordance with 40 C.F.R. § 300.415(j), all on-site actions required pursuant to

this Order shall, to the extent practicable, as determined by U.S. EPA, considering the exigencies of the situation, attain applicable or relevant and appropriate requirements under federal environmental or state environmental or facility siting laws.

8. Emergency Response and Notification of Releases

If any incident, or change in Site conditions, during the activities conducted pursuant to this Order causes or threatens to cause an additional release of hazardous substances from the Site or an endangerment to the public health, welfare, or the environment, the Respondent shall immediately take all appropriate action to prevent, abate or minimize such release, or endangerment caused or threatened by the release. Respondent shall also immediately notify the OSC or, in the event of his unavailability, shall notify the Regional Duty Officer, Emergency Response Branch, Region 5 at (312) 353-2318, of the incident or Site conditions.

Respondent shall submit a written report to U.S. EPA within 7 business days after each release, setting forth the events that occurred and the measures taken or to be taken to mitigate any release or endangerment caused or threatened by the release and to prevent the reoccurrence of such a release. Respondent shall also comply with any other notification requirements, including those in CERCLA Section 103, 42 U.S.C. § 9603, and Section 304 of the Emergency Planning and Community Right-To-Know Act, 42 U.S.C. § 11004.

VI. AUTHORITY OF THE U.S. EPA ON-SCENE COORDINATOR

The OSC shall be responsible for overseeing the implementation of this Order. The OSC shall have the authority vested in an OSC by the NCP, including the authority to halt, conduct, or direct any work required by this Order, or to direct any other response action undertaken by U.S. EPA or Respondent at the Site. Absence of the OSC from the Site shall not be cause for stoppage of work unless specifically directed by the OSC.

U.S. EPA and Respondent shall have the right to change their designated OSC or Project Coordinator. U.S. EPA shall notify the Respondent, and Respondent shall notify U.S. EPA, as early as possible before such a change is made, but in no case less than 24 hours before such a change. Notification may initially be made orally, but shall be followed promptly by written notice.

VII. PENALTIES FOR NONCOMPLIANCE

Violation of any provision of this Order may subject Respondent to civil penalties of up to \$27,500 per violation per day pursuant to Section 106(b)(1) of CERCLA, 42 U.S.C. § 9606(b)(1) and 40 C.F.R. part 19. Respondent may also be subject to punitive damages in an amount up to three times the amount of any cost incurred by the United States as a result of such violation, as provided in Section 107(c)(3) of CERCLA, 42 U.S.C. § 9607(c)(3). Should Respondent violate this Order or any portion hereof, U.S. EPA may carry out the required actions unilaterally, pursuant to Section 104 of CERCLA, 42 U.S.C. § 9604, and/or may seek judicial enforcement of this Order pursuant to Section 106 of CERCLA, 42 U.S.C. § 9606.

VIII. REIMBURSEMENT OF COSTS

Respondent shall reimburse U.S. EPA, upon written demand, for all response costs incurred by the United States in overseeing Respondent's implementation of the requirements of this Order. U.S. EPA may submit to Respondent on a periodic basis a bill for all response costs incurred by the United States with respect to this Order. U.S. EPA's Itemized Cost Summary, or such other summary as certified by U.S. EPA, shall serve as the basis for payment.

Respondent shall, within 30 days of receipt of the bill, remit a cashier's or certified check for the amount of those costs made payable to the "Hazardous Substance Superfund," to the following address:

U.S. Environmental Protection Agency
Superfund Accounting
P.O. Box 70753
Chicago, Illinois 60673

Respondent shall simultaneously transmit a copy of the check to the Director, Superfund Division, U.S. EPA Region 5, 77 West Jackson Blvd., Chicago, Illinois, 60604-3590. Payments shall be designated as "Response Costs - Celotex Site" and shall reference the payer's name and address, the U.S. EPA site identification number Z581, and the docket number of this Order.

Interest at a rate established by the Department of the Treasury pursuant to 31 U.S.C. § 3717 and 4 C.F.R. § 102.13 shall begin to accrue on the unpaid balance from the day after the expiration of the 30 day period notwithstanding any dispute or an objection to any portion of the costs.

IX. RESERVATION OF RIGHTS

Nothing herein shall limit the power and authority of U.S. EPA or the United States to take, direct, or order all actions necessary to protect public health, welfare, or the environment or to prevent, abate, or minimize an actual or threatened release of hazardous substances, pollutants or contaminants, or hazardous or solid waste on, at, or from the Site. Further, nothing herein shall prevent U.S. EPA from seeking legal or equitable relief to enforce the terms of this Order. U.S. EPA also reserves the right to take any other legal or equitable action as it deems appropriate and necessary, or to require the Respondent in the future to perform additional activities pursuant to CERCLA or any other applicable law.

X. OTHER CLAIMS

By issuance of this Order, the United States and U.S. EPA assume no liability for injuries or damages to persons or property resulting from any acts or omissions of Respondent. The United States or U.S. EPA shall not be a party or be held out as a party to any contract entered into by the Respondent or its directors, officers, employees, agents, successors, representatives, assigns, contractors, or consultants in carrying out activities pursuant to this Order.

This Order does not constitute a pre-authorization of funds under Section 111(a)(2) of CERCLA, 42 U.S.C. § 9611(a)(2).

Nothing in this Order constitutes a satisfaction of or release from any claim or cause of action against the Respondent or any person not a party to this Order, for any liability such person may have under CERCLA, other statutes, or the common law, including but not limited to any claims of the United States for costs, damages and interest under Sections 106(a) or 107(a) of CERCLA, 42 U.S.C. §§ 9606(a), 9607(a).

XI. MODIFICATIONS

Modifications to any plan or schedule may be made in writing by the OSC or at the OSC's oral direction. If the OSC makes an oral modification, it will be memorialized in writing within 7 business days; however, the effective date of the modification shall be the date of the OSC's oral direction. The rest of the Order, or any other portion of the Order, may only be modified in

writing by signature of the Director, Superfund Division, Region 5.

If Respondent seeks permission to deviate from any approved plan or schedule, Respondent's Project Coordinator shall submit a written request to U.S. EPA for approval outlining the proposed modification and its basis.

No informal advice, guidance, suggestion, or comment by U.S. EPA regarding reports, plans, specifications, schedules, or any other writing submitted by the Respondent shall relieve Respondent of its obligations to obtain such formal approval as may be required by this Order, and to comply with all requirements of this Order unless it is formally modified.

XII. NOTICE OF COMPLETION

After submission of the Final Report, Respondent may request that U.S. EPA provide a Notice of Completion of the work required by this Order. If U.S. EPA determines, after U.S. EPA's review of the Final Report, that all work has been fully performed in accordance with this Order, except for certain continuing obligations required by this Order (e.g., record retention), U.S. EPA will provide written notice to the Respondent. If U.S. EPA determines that any removal activities have not been completed in accordance with this Order, U.S. EPA will notify the Respondent, provide a list of the deficiencies, and require that Respondent modify the Work Plan to correct such deficiencies. The Respondent shall implement the modified and approved Work Plan and shall submit a modified Final Report in accordance with the U.S. EPA notice. Failure to implement the approved modified Work Plan shall be a violation of this Order.

XIII. ACCESS TO ADMINISTRATIVE RECORD

The Administrative Record supporting these removal actions is available for review during normal business hours in the U.S. EPA Record Center, Region 5, 77 W. Jackson Blvd., Seventh Floor, Chicago, Illinois. Respondent may contact Eva Hahn, Assistant Regional Counsel, at (312) 886-6833 to arrange to review the Administrative Record. An index of the Administrative Record is attached to this Order.

XIV. OPPORTUNITY TO CONFER

Within 3 business days after issuance of this Order, Respondent may request a conference with U.S. EPA. Any such conference shall be held within 5 business days from the date of the request, unless extended by agreement of the parties. At any conference held pursuant to the request, Respondent may appear in person or be represented by an attorney or other representative.

If a conference is held, Respondent may present any information, arguments or comments regarding this Order. Regardless of whether a conference is held, Respondent may submit any information, arguments or comments (including justifications for any assertions that the Order should be withdrawn against a Respondent), in writing to U.S. EPA within 2 business days following the conference, or within 7 business days of issuance of the Order if no conference is requested. This conference is not an evidentiary hearing, does not constitute a proceeding to challenge this Order, and does not give Respondent a right to seek review of this Order. Requests for a conference shall be directed to Eva Hahn, Assistant Regional Counsel, at (312) 886-6833. Written submittals shall be directed as specified in Section V.2 of this Order.

XV. SEVERABILITY

If a court issues an order that invalidates any provision of this Order or finds that Respondent has sufficient cause not to comply with one or more provisions of this Order, Respondent shall remain bound to comply with all provisions of this Order not invalidated by the court's order.

XVI. EFFECTIVE DATE

This Order shall be effective 10 business days following issuance unless a conference is requested as provided herein. If a conference is requested, this Order shall be effective 5 business days after the day of the conference.

IT IS SO ORDERED

BY: 

DATE: 17 Aug 98

for

William E. Muno, Director
Superfund Division
United States
Environmental Protection Agency
Region 5

ATTACHMENT A

**U.S. ENVIRONMENTAL PROTECTION AGENCY
REMOVAL ACTION**

**ADMINISTRATIVE RECORD
FOR
CELOTEX PLANT SITE
WILMINGTON, WILL COUNTY, ILLINOIS**

**ORIGINAL
03/03/98**

<u>NO.</u>	<u>DATE</u>	<u>AUTHOR</u>	<u>RECIPIENT</u>	<u>TITLE/DESCRIPTION</u>	<u>PAGES</u>
1	00/00/90	IEPA	U.S. EPA	Screening Site Inspection Report	105
2	00/00/90	IEPA	U.S. EPA	Screening Site Inspection Report: 121 Analytical Results	
3	00/00/95	IEPA	U.S. EPA	Site Inspection Prioritization Report	30
4	00/00/95	IEPA	U.S. EPA	Site Inspection Prioritization Report: Analytical Results	219
5	09/08/97	IEPA	Bruce, D., U.S. EPA	Letter re: Assignment of an On- Scene Coordinator to the Celotex Site	6
6	05/00/97	IEPA	U.S. EPA	Site Team Evaluation Prioritization	44
7	05/00/97	IEPA	U.S. EPA	Site Team Evaluation Prioritization: Analytical Results	213
8	01/31/98	Ecology and Environment, Inc.	U.S. EPA	Site Assessment Report	93
9	00/00/00	Bartman, F. U.S. EPA	Karl, R., U.S. EPA	Action Memorandum: Request for a Time Critical Removal Action at the Celotex Plant Site (PENDING)	

ATTACHMENT B

LIABILITY FILE INDEX

	DATE	DOCUMENT	# PAGES
1.	January 9, 1998	Title Search VOLUME 1 Performed by Dyanmac Corporation for U.S.EPA	29
2.	January 9, 1998	Title Search VOLUME 2 Performed by Dynamac Corporation for U.S.EPA	85
3.	March 4, 1998	Title Search update Performed by Dynamac Corporation for U.S.EPA	4

P 140 781 129

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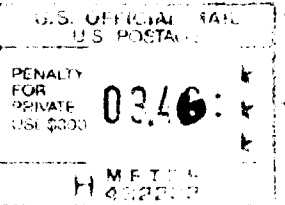
PS Form 3800, April 1995



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P 140 781 129

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